MONTANA LEGISLATIVE HISTORY

Chapter 182 19 97

Bill H 522 S _____ Original bill & history ___C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 19	✓ C	Hearing Date(s)	Mar 14	✓ C
	Feb 20	✓ C			C
		C			C
		C			C
Date Out	Feb 20	✓ C		Mar 14	✓ C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

House BILL NO. 577

INTRODUCED BY Molnar Bocchiaulla Simpkins

BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT DELETING THE PROVISION THAT A PERSON UNDER 21 YEARS OF AGE NEED NOT BE CONSUMING OR IN POSSESSION OF THE INTOXICATING SUBSTANCE AT THE TIME OF ARREST TO COMMIT THE OFFENSE OF POSSESSION OF AN INTOXICATING SUBSTANCE; AMENDING SECTION 45-5-624, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-624, MCA, is amended to read:

"45-5-624. Unlawful attempt to purchase or possession of ~~an~~ intoxicating substance -- interference with sentence or court order. (1) A person under ~~the~~ 21 years of age ~~of 21 years~~ commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in the person's possession an intoxicating substance. ~~The person need not be consuming or in possession of the intoxicating substance at the time of arrest to violate this subsection.~~ A person does not commit the offense if the person consumes or gains possession of the beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages.

(2) In addition to any disposition by the youth court under 41-5-523, a person under 18 years of age who is convicted of the offense of possession of an intoxicating substance ~~shall~~:

(a) for the first offense, shall be fined an amount not to exceed $100 and:

(i) must have the person's driver's license confiscated by the court for not less than 30 days and not more than 90 days and shall be ordered not to drive during that period if the person was driving or was otherwise in actual physical control of a motor vehicle when the offense occurred;

(ii) shall be ordered to perform community service if a community service program is available; and

(iii) shall be ordered to complete and pay, either directly with money or indirectly through court-ordered community service, if any is available, all costs of participation in a community-based substance abuse information course, if one is available;

(b) for a second offense, shall be fined an amount not to exceed $200 and:

(i) must have the person's driver's license suspended for not less than 60 days and not more than 120 days;

(ii) shall be ordered to perform community service if a community service program is available; and

(iii) shall be ordered to complete and pay, either directly with money or indirectly through court-ordered community service, if any is available, all costs of participation in a community-based substance abuse information course, if one is available;

(c) for a third or subsequent offense, shall be fined an amount not less than $300 or more than $500 and:

(i) must have the person's driver's license suspended for not less than 120 days and not more than 1 year, except that if the person was driving or was otherwise in actual physical control of a motor vehicle when the offense occurred, must have the person's driver's license revoked for 1 year or until the person reaches the age of 18, whichever occurs last;

(ii) shall be ordered to complete and pay, either directly with money or indirectly through court-ordered community service, if any is available, all costs of participation in a community-based substance abuse information course, if one is available, which may include alcohol or drug treatment, or both, approved by the department of corrections, if determined by the court to be appropriate.

(3) A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance ~~shall~~:

(a) for a first offense, shall be fined an amount not to exceed $50 and be ordered to perform community service if a community service program is available;

(b) for a second offense, shall be fined an amount not to exceed $100 and:

(i) shall be ordered to perform community service if a community service program is available; and

(ii) must have the person's driver's license suspended for not more than 60 days if the person was driving or otherwise in actual physical control of a motor vehicle when the offense occurred;

(c) for a third or subsequent offense, shall be fined an amount not to exceed $200 and:

(i) shall be ordered to perform community service if a community service program is available;

(ii) must have the person's driver's license suspended for not more than 120 days if the person was driving or otherwise in actual physical control of a motor vehicle when the offense occurred;

(iii) shall be ordered to complete an alcohol information course at an alcohol treatment program

approved by the department of corrections, which may, in the sentencing court's discretion and upon recommendation of a certified chemical dependency counselor, include alcohol or drug treatment, or both; and

(iv) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed 6 months.

(4) A person under ~~the~~ 21 years of age ~~of 21~~ commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed $50 if the person was 18 years of age or older at the time that the offense was committed or $100 if the person was under 18 years of age at the time that the offense was committed.

(5) A defendant who fails to comply with a sentence and is under 21 years of age and was under 18 years of age when the defendant failed to comply must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of supervision as defined in 41-5-103. The youth court may enter its judgment under 41-5-523.

(6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and upon conviction shall be fined $100 or imprisoned in the county jail for 10 days, or both.

(7) A conviction or youth court adjudication under this section must be reported by the court to the department of justice under 61-11-101 for the purpose of keeping a record of the number of offenses committed but may not be considered part of the person's driving record for insurance purposes unless a second or subsequent conviction or adjudication under this section occurs. (See compiler's comments for contingent termination of certain text.)"

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

-END-

3/22	3RD READING PASSED	82	16
	TRANSMITTED TO SENATE		
3/24	FIRST READING		
3/24	REFERRED TO FINANCE & CLAIMS		
4/09	HEARING		
4/09	COMMITTEE REPORT—BILL CONCURRED		
4/11	2ND READING CONCURRED	49	1
4/12	3RD READING CONCURRED	47	1
	RETURNED TO HOUSE		
4/15	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/18	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 405		
	EFFECTIVE DATE: 07/01/97		

HB 577 INTRODUCED BY MOLNAR, ET AL. *LC1409 DRAFTER: MACMASTER*

DELETE THE PROVISION THAT A PERSON UNDER 21 YEARS OF AGE NEED NOT BE CONSUMING OR IN POSSESSION OF THE INTOXICATING SUBSTANCE AT THE TIME OF ARREST TO COMMIT THE OFFENSE OF POSSESSION OF AN INTOXICATING SUBSTANCE

BY REQUEST OF HOUSE JUDICIARY COMMITTEE

2/18	INTRODUCED		
2/18	FIRST READING		
2/18	REFERRED TO JUDICIARY		
2/19	HEARING		
2/20	COMMITTEE REPORT—BILL PASSED		
2/24	2ND READING PASSED	92	8
2/26	3RD READING PASSED	93	6
	TRANSMITTED TO SENATE		
3/04	FIRST READING		
3/04	REFERRED TO JUDICIARY		
3/14	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED		
3/19	2ND READING CONCURRED	50	0
3/20	3RD READING CONCURRED	45	5
	RETURNED TO HOUSE		
3/26	SIGNED BY SPEAKER		
3/26	SIGNED BY PRESIDENT		
3/27	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 182		
	EFFECTIVE DATE: 04/01/97		

HB 578 INTRODUCED BY R. JOHNSON *LC1397 DRAFTER: PETESCH*

ELIMINATE THE MONTANA BOARD OF SCIENCE AND TECHNOLOGY DEVELOPMENT IN 1999

2/17	FISCAL NOTE REQUESTED		
2/18	INTRODUCED		
2/18	FIRST READING		
2/18	REFERRED TO APPROPRIATIONS		
2/21	FISCAL NOTE RECEIVED		
2/21	FISCAL NOTE PRINTED		
3/10	HEARING		
3/15	COMMITTEE REPORT—BILL PASSED		
3/20	2ND READING PASSED	68	32
3/27	3RD READING PASSED	65	35

NATHAN TUBERGER, City of Billings
{Tape: 2; Side: A; Approx. Time Count: 1.4; Comments: This witness did not register with the Commissioner of Political Practices and his name is illegible on sign-in sheet as well as inaudible on tape so may be misspelled.}

JACQUELINE LENMARK, American Insurance Association (AIA)
{Tape: 2; Side: A; Approx. Time Count: 1.5}

Opponents' Testimony:

RUSSELL HILL, MTLA
{Tape: 2; Side: A; Approx. Time Count: 2.5}

Questions From Committee Members and Responses:
{Tape: 2; Side: A; Approx. Time Count: 9.4 - 22.0}

Closing by Sponsor: **REP. ANDERSON**
{Tape: 2; Side: A; Approx. Time Count: 22.1}

HEARING ON HB 577

Opening Statement by Sponsor: **REP. BRAD MOLNAR**
{Tape: 2; Side: A; Approx. Time Count: 25.3}

Proponents' Testimony:

REP. COCCHIARELLA
{Tape: 2; Side: A; Approx. Time Count: 28.5}

EMANUEL HARTMAN, Laurel High School Student **EXHIBITS 2 and 3**
{Tape: 2; Side: A; Approx. Time Count: 32.2}

VANESSA HOFFMAN, Laurel High School Student
{Tape: 2; Side: A; Approx. Time Count: 35.9}

RYAN HERSEL, Powell County High School Student
{Tape: 2; Side: A; Approx. Time Count: 37.6}

REP. LIZ SMITH
{Tape: 2; Side: A; Approx. Time Count: 38.9}

Opponents' Testimony:

COL. CRAIG REAP, Montana Highway Patrol
{Tape: 2; Side: A; Approx. Time Count: 42.1}

Informational Testimony:

JERRY WILLIAMS, Montana Police Protective Association
{Tape: 2; Side: B; Approx. Time Count: 0.3}

Questions From Committee Members and Responses:
{Tape: 2; Side: B; Approx. Time Count: 3.9-30.8}

Closing by Sponsor: **REP. MOLNAR**
{Tape: 2; Side: B; Approx. Time Count: 30.9}

HEARING ON HJ 28

Opening Statement by Sponsor: **REP. AUBYN CURTISS**
{Tape: 2; Side: B; Approx. Time Count: 38.4}

Informational Testimony:

GENE KIZER, Board of Crime Control
{Tape: 3; Side: A; Approx. Time Count: 0.4; Comments: This witness did not sign in.}

Closing by Sponsor: **REP. CURTISS**
{Tape: 3; Side: A; Approx. Time Count: 2.1}

EXECUTIVE ACTION ON HJ 28

Motion: **REP. WYATT moved HJ 28 DO PASS.**
{Tape: 3; Side: A; Approx. Time Count: 3.7}

Discussion: There was discussion to clarify the bill.

Motion/Vote: **REP. ANDERSON moved an amendment to strike ", including information from" and to insert "reported by" and following "Sheriffs," "including reported information"** . The motion carried by unanimous voice vote.

Motion/Vote: **REP. BOHARSKI moved HJ 28 DO PASS AS AMENDED.** The motion carried 15 - 2; REPS. PEASE and HURDLE voting no. (REPS. MC CULLOCH, SMITH and BERGMAN were not present for the vote.)

EXECUTIVE ACTION ON HB 429

Motion: **REP. BOHARSKI moved HB 429 DO PASS.**
{Tape: 3; Side: A; Approx. Time Count: 7.7}

Motion: **REP. ANDERSON moved the amendments of 2/13/97 numbers 1 through 7.**

Discussion:
{Tape: 3; Side: A; Approx. Time Count: 8.8 - 17.9}

Motion/Vote: **REP. BOHARSKI moved a substitute amend number 5 to strike "in a room" and to strike, after "parole office" ", bank, credit union or similar institution".** The motion carried 12 - 7; REPS. WYATT, PEASE, SANDS, KOTTEL, GRIMES, HURDLE and SOFT voting no. *{Tape: 3; Side: A; Approx. Time Count: 21.0; Comments: The wording of this amendment was reworked by the staff attorney to comply with law and the intent of the author.}*

Motion: **REP. BOHARSKI moved HB 429 DO PASS AS AMENDED.**
{Tape: 3; Side: A; Approx. Time Count: 22.3}

EXHIBIT 2
DATE 2/19/97
HB 577

FROM: EMANUEL HARTMAN IV
LAUREL HIGH SCHOOL

TO: REPRESENTATIVE BOB CLARK
HOUSE JUDICIARY COMMITTEE
AND
REPRESENTATIVE BRAD MOLNAR

REGARDING: AMENDMENTS:
SECTION 1,SECTION 45-5-624, MCA

DATE: FEBRUARY 18, 1997

I am sorry that I am not able to testify in person. I received word of the hearing too late to be in Helena tomorrow morning. Here are my thoughts on the issue:

A designated driver is a person that is protecting an saving the lives of many others. A person that does this should be thought of as a hero. The part of this bill you have crossed out does protect a designated driver when he is driving if no one has alcohol in the vehicle. However, if the designated driver is at a place where teenagers are drinking, and is waiting to drive them home, the designated driver could be arrested by the police for an MIP the way this law is currently amended.

I suggest that you further amend the law to allow someone to prove innocence by taking a breathalizer test and proving sobriety by blowing triple zeros. If a person refused to consent to a breathalizer test, then they should receive an MIP. If they are innocent, the addition of this clause would help them prove that they are not drinking.

Thank you for your attention.

Sincerely,
Emanuel Hartman IV
Emanuel Hartman IV
Laurel High School
Class of 1997

EXHIBIT 3
DATE 2/19/97
HB 577

FROM: SUE SUITER
CIVICS TEACHER
LAUREL HIGH SCHOOL

TO: BOB CLARK HOUSE JUDICIARY COMMITTEE
REPRESENTATIVE BRAD MOLNAR

REGARDING: COMMITTEE HEARING ON AMENDMENTS TO SECTION 1. SECTION 45-5-624 MCA

DATE: FEBRUARY 18 1997

Representative Brad Molnar and Senator Ken Miller have visited my classroom on several occasions. On each visit, my students have expressed a concern that they receive a Minor In Possession from the police or sheriff's officers when they are not actually drinking. They would like to see a change in the law that would make an allowance for a "designated driver", or for minors who are not drinking, but in the presence of those who are.

Representative Molnar called me last Friday to tell me of the proposed amendments he and Representative Simpkins are trying to make in the current law. My students would like to testify in person. However, we learned of the committee meeting this afternoon. It does not seem to be possible to have students in Helena by 8:00 AM tomorrow morning. Therefore, they are faxing you their opinions for your consideration.

Personally, I would like to do all we can to discourage underage drinking. However, I've worked with adolescents long enough to realize that we need to take a realistic view of the problem. I do not feel that it is fair to punish a student who has decided to be a designated driver. Perhaps there could be something in the code that people would have to prove that they have not been drinking by taking a breath test.

At any rate, please read my students' concerns. They would definitely like to appear before you in person. I will be bringing a group of students to Helena in April. I hope that they can attend committee hearings at that time.

Sincerely,

Susan K. Suiter
Laurel High School

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL DATE 2/19/97

NAME	PRESENT	ABSENT	EXCUSED
REP. BOB CLARK, CHAIRMAN	✓		
REP. DANIEL MC GEE, VICE CHAIR	✓		
REP. DIANA WYATT, VICE CHAIR	✓		
REP. CHRIS AHNER	✓		E
REP. SHIELL ANDERSON	✓		
REP. ELLEN BERGMAN	✓		
REP. WILLIAM BOHARSKI	✓		
REP. AUBYN CURTISS	✓		
REP. JON ELLINGSON	✓		
REP. DUANE GRIMES	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. JOAN HURDLE	✓		
REP. DEB KOTTEL	✓		
REP. LINDA MC CULLOCH	✓		
REP. BRAD MOLNAR	✓		
REP. GERALD PEASE	✓		
REP. DIANE SANDS	✓		
REP. LIZ SMITH	✓		
REP. LOREN SOFT	✓		
REP. BILL TASH	✓		

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

DATE 2/19/97

BILL NO. HB 577 SPONSOR(S) Rep. Molnar

PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)
(PLEASE IDENTIFY TYPE OF VISITOR)

PLEASE PRINT

	TYPE	NAME	ADDRESS	REPRESENTING
	HB577 P	Emanuel Hartman IV	1510 Lance Ln.	City of Laurel
	HB577P	Vanessa Hoffman	1510 Lance Ln.	Laurel High Students
	HB577	Troy McGee	Helena	MT. Assoc. Chiefs Police
(P)	HB577	Ryan Hassel	811 Rohr Deer Lodge	Powell County High
	HB577	Craig Reap	MHP/HQ	Highway Patrol
(I)	-3577	Jerry Williams	~~Mont. Police Bdy Protective Assn~~ Butte	Mont. Police Protective Assn.

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Motion/Vote: **REP. MC GEE moved to table HB 528.** The motion carried 15 - 5; REPS. BOHARSKI, MOLNAR, CURTISS, BERGMAN and CLARK voting no.

EXHIBITS 5 and 6

{Comments: Exhibits 5 and 6 were distributed to the committee prior to executive action.}

EXECUTIVE ACTION ON HB 540

Motion: **REP. MC GEE moved HB 540 DO PASS.**
{Tape: 3; Side: A; Approx. Time Count: 39.4}

Discussion:
{Tape: 3; Side: A; Approx. Time Count: 40.4}

Motion/Vote: **REP. KOTTEL moved the amend HB 540 on lines 19 and 20 to strike words following "paid."** The motion carried 19 - 0. (REP. BERGMAN was not present for the vote.)

Motion: **REP. SANDS moved HB 540 DO PASS AS AMENDED.**
{Tape: 3; Side: A; Approx. Time Count: 42.6}

Motion: **REP. MOLNAR moved to amend HB 540.**

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 0.3}

Vote: The motion failed 2 - 17; REPS. MOLNAR and BOHARSKI voting aye.

Motion/Vote: **REP. MC GEE moved HB 540 DO PASS AS AMENDED.** The motion carried 19 - 0.

{Tape: 3; Side: B; Approx. Time Count: 4.0; Comments: REP. WYATT made a point of personal privilege regarding the order of the bills being considered.}

EXECUTIVE ACTION ON HB 577

Motion: **REP. MC GEE moved HB 577 DO PASS.**
{Tape: 3; Side: B; Approx. Time Count: 5.4}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 6.1}

Vote: The motion carried 17 - 3; REPS. GRIMES, ANDERSON and BOHARSKI voting no. (REP. KOTTEL voted aye by proxy.)

EXECUTIVE ACTION ON HB 571

Motion: **REP. ANDERSON moved HB 571 DO PASS.**
{Tape: 3; Side: B; Approx. Time Count: 8.9}

HOUSE STANDING COMMITTEE REPORT

February 20, 1997

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 577** (first reading copy -- white) **do pass**.

Signed: Bob Clark

Bob Clark, Chair

Committee Vote:
Yes 17, No 3.

401344SC.Hgd 2/20

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

7 AM

ROLL CALL

DATE 2/20/97

NAME	PRESENT	ABSENT	EXCUSED
REP. BOB CLARK, CHAIRMAN	✓		
REP. DANIEL MC GEE, VICE CHAIR	✓		
REP. DIANA WYATT, VICE CHAIR	✓		
REP. CHRIS AHNER	✓		
REP. SHIELL ANDERSON	✓		
REP. ELLEN BERGMAN	✓		
REP. WILLIAM BOHARSKI 8 AM	✓		
REP. AUBYN CURTISS	✓		
REP. JON ELLINGSON	✓		
REP. DUANE GRIMES	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. JOAN HURDLE	✓		
REP. DEB KOTTEL	✓		
REP. LINDA MC CULLOCH	✓		
REP. BRAD MOLNAR	✓		
REP. GERALD PEASE	✓		
REP. DIANE SANDS	✓		
REP. LIZ SMITH	✓		
REP. LOREN SOFT	✓		
REP. BILL TASH	✓		

so we believe the amendment more clearly reflects what current law allows us to do.

There are communication problems with law enforcement because we respond through different authority structures. Other than the amendment, we support the resolution.

Opponents' Testimony: None

Questions From Committee Members and Responses: **SEN. STEVE DOHERTY.** On page 2, Subsection (3) and (4) concerning the operations log, have we provided funding, and will we punish them if they don't do this? **REP. CURTISS.** If law enforcement thought there would be a fiscal responsibility, they'd have been here.

SEN. REINY JABS. I am concerned about the 24-hour advance notice on page 2, lines 3 and 24. **John Conner.** Because this is a request via resolution, it is less onerous to us. We'd like to see the feds notify us of planned operations whenever it won't jeopardize the situation. The way to cure such problems is with better on-going communications.

Closing by Sponsor: **REP. CURTISS** read from highlighted areas in a letter to President Clinton from various organizations **(EXHIBIT #2)**. Page 2, line 15 of the bill provides a list of agencies. I urge you to favorably consider this bill.

HEARING ON HB 577

Sponsor: **REP. BRAD MOLNAR, HB 22, LAUREL**

Proponents: **REP. VICKIE COCCHIARELLA**
REP. LIZ SMITH

Opponents: **None**

Opening Statement by Sponsor: **REP. BRAD MOLNAR, HB 22, LAUREL.** Kids have come up to us while we were giving talks in Montana schools expressing their concerns with the bill passed last session in House Judiciary Committee. I was warned by staff attorney John MacMaster then that the language (page 1, lines 16-17 of HB 577) was not good.

REPRESENTATIVES COCCHIARELLA, SIMPKINS, AND SMITH have also been involved with this bill. With the language on page 1, lines 16-17 stricken, it still leaves the possession statute intact.

Faxed messages were sent to **SEN. CRIPPEN** by teens who couldn't be here today because of the weather. I hope he will see that these become part of the record.

Proponents' Testimony: **REP. VICKIE COCCHIARELLA.** Minors in the Missoula area are being charged with minor in possession (MIP) when they have not been drinking, but are in the vicinity of

where alcohol is being consumed by minors when police arrive on the scene. We don't think it's fair to treat good kids like this. We believe the law should apply fairly and evenly to all in the State. I encourage your support of the bill. My son, Mike, is here, and is shy about testifying, but he doesn't believe it's fair either **(EXHIBIT #3).**

REP. LIZ SMITH. Thirty to forty kids were arrested and hauled into court in Deer Lodge. Some hadn't consumed alcohol, but were present, so they were charged. One parent had to drive her 17-year-old son 17 miles each way to and from his after-school job at an agri-feed business after his license was revoked even though he hadn't consumed any alcohol.

There could be a way to track this via breathalizer test, and that is more realistic, but is being done inconsistently throughout the state right now.

{Tape: 1; Side: B; Approx. Time Count: #00; Comments: 9:50 a.m.}

Some Deer Lodge students wanted to be present, but could not because of tournaments and other things. The police believe more marijuana is being used by teens because of this law.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: **REP. MOLNAR.** I've tried to protect the rights of the accused and see that the guilty get what they have coming. I find the need to be honest and fair. This wasn't fair, so let's change it.

EXECUTIVE ACTION ON HB 577

Motion/Vote: **SEN. SHARON ESTRADA MOVED HB 577 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON HJR 28

Motion: **SEN. ESTRADA MOVED HJR 28 BE CONCURRED IN.**

Substitute Motion/Vote: **SEN. MIKE HALLIGAN MOVED TO AMEND THE BILL BY STRIKING SUBSECTION (4), ON PAGE 2, LINES 12-14. THE MOTION CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SEN. HOLDEN.**

Discussion: **SEN. JABS.** I still have a problem with the 24-hour notice on page 2, line 3. **VICE CHAIRMAN GROSFIELD.** The key is 'requested' and not 'required'.

SEN. BRUCE CRIPPEN WAS PRESENT AT THIS POINT AND RESUMED THE CHAIR. I see this is a continuation of what **REP. CURTISS** presented last time. Sheriff O'Reilly was not thrilled with this

HB 577
SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 3-14-97
BILL NO. HB 577

MARCH 10, 1997

THE SENATE JUDICIARY COMMITTEE
MONTANA LEGISLATURE
HELENA, MT 59601

TO WHOM IT MAY CONCERN:

THE PURPOSE OF THIS LETTER IS TO SHOW MY SUPPORT FOR H.B. 577 SPONSORED BY VICKI COCCHIARELLA.

IN 1995 MY DAUGHTER BRIANNA , A JUNIOR IN HIGH SCHOOL, WENT TO A FRIEND'S HOUSE TO TKE HER TO A RESTUARANT FOR COFFEE. THERE WERE TWO OTHER PEOPLE AT THE FRIENDS HOUSE WHO JOINED THEM ON THEIR WAY TO COFFEE. UNBEKNOWNST TO MY DAUGHTER, BOTH INDIVIDUALS HAD ALCOHOL IN THEIR COAT POCKETS. WITHIN MINUTES OF LEAVING THE HOUSE, THE CAR WAS STOPPED FOR A STOP SIGN VIOLATION. A SEARCH OF THE CAR AND THE INDIVIDUALS REVEALED THE ALCOHOL. ALL FOUR PEOPLE WERE ARRESTED FOR BEING A MINOR IN POSSESSION OF ALCOHOL. SINCE MY DAUGHTER WAS DRIVING HER CAR, SHE WAS GIVEN A BLOOD ALCOHOL TEST. THE RESULTS WERE NEGATIVE. WE KNOW OUR DAUGHTER WAS NOT DRINKING AS SHE HAS CROHN'S DISEASE. THE MEDICATION SHE IS TAKING DO NOT MIX WITH ALCOHOL. SHE WAS RELEASED TO MY CUSTODY.

WE HAD TO CONTACT OUR ATTORNEY TO FIGHT THIS CHARGE. HE GOT HER A ONE-YEAR DEFERRED IMPOSITION OF SENTENCE. THE CHARGES WERE EVENTUALLY DROPPED.

IT IS TIME TO CHANGE THE CURRENT LAW, AND THAT IS WHY I SUPPORT H.B. 577. IT MAINTAINS THE SAME PHILOSOPHY OF THE OLD LAW: TO DETER MINORS FROM CONSUMING ALCOHOL AND TO PUNISH THOSE THAT DO CONSUME ALCOHOL. IF SOMEONE HAS NOT BEEN DRINKING AND IS SIMPLY IN THE SAME CAR, BOAT, HOUSE, OR LOCATION AS SOMEONE THAT IS DRINKING, THEY SHOULD NOT BE PUNISHED.

PLEASE LEND YOUR SUPPORT TO H.B. 577.

SINCERELY,
Barry A Beaudoin

BARRY A. BEAUDOIN
1204 BUENA
GREAT FALLS, MT 59404

SENATE STANDING COMMITTEE REPORT

March 14, 1997

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill 577 (third reading copy -- blue), respectfully report that House Bill 577 be concurred in.

Signed: _____
Senator Bruce Crippen, Chair

Amd. Coord.
Sec. of Senate

Estrada
Senator Carrying Bill

561117SC.SRF

MONTANA SENATE
1997 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE 3-14-97

NAME	PRESENT	ABSENT	EXCUSED
SUE BARTLETT	✓		
AL BISHOP	✓		
STEVE DOHERTY	✓		
SHARON ESTRADA	✓		
MIKE HALLIGAN	✓		
RIC HOLDEN	✓		
REINY JABS	✓		
WALT MC NUTT	✓		
LORENTS GROSFIELD, VICE CHAIRMAN	✓		
BRUCE CRIPPEN, CHAIRMAN (excused 9:40a)	✓		

SEN:1995
wp.rollcall.man
CS-09